

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

THOMAS E. KENNEDY,

Petitioner,

v.

DARREN SWENSEN,

Respondent.

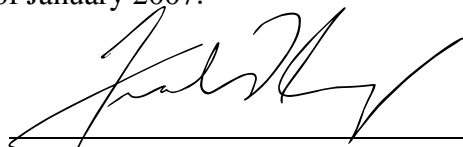
Case No. C06-5546FDB

ORDER ADOPTING REPORT  
AND RECOMMENDATION

The Court, having reviewed the two petitions for habeas corpus, respondent's motion for summary judgment, the Report and Recommendation of Judge J. Kelley Arnold, United States Magistrate Judge, and the remaining record, including Petitioner's objections (which do not provide a basis for this Court to reject the Magistrate Judge's R&R) does hereby find and ORDER.

- (1) The Court adopts the Report and Recommendation.
- (2) The petitions were not filed within the one year period of limitation are therefore DENIED.
- (3) Petitioner's pending motions, if any, are DENIED, as being moot.
- (4) The Clerk is directed to send copies of this Order to plaintiff, to counsel of record, and to the Hon. J. Kelley Arnold.

DATED this 3<sup>rd</sup> day of January 2007.



FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE